



Entered on Docket
February 11, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegler".

Hon. Linda B. Riegler
United States Bankruptcy Judge

WILDE & ASSOCIATES
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Nevada Bar No. 004417
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Las Vegas, Nevada 89107
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The Bank of New York Mellon f/k/a The Bank of New York as Trustee for the Certificateholders
CWMBBS, Inc. Asset-Backed Certificates, Series 2003-J1
10-70768

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In Re:

Dan Napier

Debtor.

BK-S-10-10269-lbr

MS Motion No.

Date:

Time:

Chapter 13

ORDER RE ADEQUATE PROTECTION

Secured Creditor's Motion for Relief from the Automatic Stay having come on for hearing
in the above-entitled Court, all appearances as noted on court record, and based upon all the
papers and pleadings on file herein and good cause appearing therefore,

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1 IT IS HEREBY ORDERED, ADJUDGED and DECREED that the debtor will cure the
2 post-petition arrearages currently due as follows:

3 9 Monthly Payments at \$5,127.40	\$46,146.60
(May 1, 2010 - January 1, 2011)	
4 9 Late Charge at \$181.18	\$1,630.62
(May 1, 2010 - January 15, 2011)	
5 Motion for Relief Filing Fee	\$150.00
6 Attorneys Fees	\$650.00
Suspense Amount	(\$1,292.59)
7 Total	\$47,284.63

8 The total arrearage shall be paid in six monthly installments. Payments one
9 through five (1-5) in the amount of \$7,880.78 shall be in addition to the regular monthly payment
10 and shall be due on or before the 20th day of the month commencing with the February 20, 2011
11 payment and continuing throughout and concluding on or before June 20, 2011. The sixth final
12 payment in the amount of \$7,880.73 shall be paid on or before July 20, 2011. ^{and}

13 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Secured Creditor
14 shall give Debtor at least fourteen business days' notice of the time, place and date of sale if the
15 stay is vacated.

16 IT IS FURTHER ORDERED, ADJUDGED and DECREED that the Debtor shall resume
17 and maintain the regular monthly payments in a timely fashion, outside of any Bankruptcy Plan,
18 beginning with the February 1, 2011, payment, on Secured Creditor's Trust obligation,
19 encumbering the subject Property, generally described as 111 North Royal Ascot D., Las Vegas,
20 NV 89144, and legally described as follows:

21 LOT SEVENTY EIGHT (78) IN BLOCK "A" OF PARCEL "0" SUMMERLIN
22 VILLAGE 3 PHASE 1, SHOWN BY MAP THEREOF ON FILE IN BOOK 79 OF
23 PLATS PAGE 96 IN THE OFFICE OF THE COUNTY RECORDER CLARK COUNTY
NEVADA.

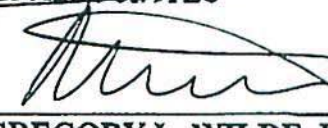
24 IT IS FURTHER ORDERED, ADJUDGED and DECREED that if the Debtor fails to make
25 any payments as stated in this Order, or fail to maintain the regular monthly payments on Secured
26 Creditor's obligation, allowing the normal grace period, then Secured Creditor may file and serve
upon Debtors and Debtors' counsel, a fifteen (15) Day Notice Declaration Re Breach of Condition.
For each such Declaration Re Breach of Condition filed, there shall be assessed an attorney fees of
\$100.00, to be paid by the Debtors upon any reinstatement. If upon the sixteenth (16th) day Debtors

1 have failed to cure the delinquency, then Secured Creditor may submit to this Court an Order
2 vacating the automatic stay as to Secured Creditor, and Secured Creditor may thereafter proceed
3 with enforcing its Security interest in the subject Property, pursuant to applicable State Law, and
4 take any action necessary to obtain complete possession thereof.

5
6 Submitted by:

7 ~~WILDE & ASSOCIATES~~

8
9 By

 #12040
10 **GREGORY L. WILDE, ESQ.**

11 Attorneys for Secured Creditor
212 South Jones Boulevard
Las Vegas, Nevada 89107

12 APPROVED AS TO FORM & CONTENT:

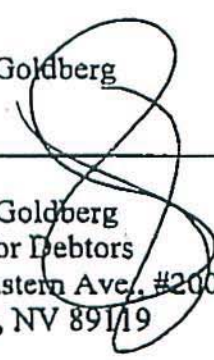
13 Kathleen A Leavitt

14 By


15 Kathleen A Leavitt
16 Chapter 13 Trustee
201 Las Vegas Blvd., So. #200
17 Las Vegas, NV 89101

Randolph Goldberg

By


Randolph Goldberg
Attorney for Debtors
4000 S. Eastern Ave., #200
Las Vegas, NV 89119

19 Nevada Bar No. 5970

1 ALTERNATIVE METHOD re: RULE 9021:

2 In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately
3 reflects the court's ruling and that (check one):

4 ☐ The court has waived the requirements set forth in LR 9021(b)(1).

5 ☐ No party appeared at the hearing or filed an objection to the motion.

6 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and
7 any trustee appointed in this case any unrepresented parties who appeared at the hearing,
8 and each has approved or disapproved the order, or failed to respond, as indicated below.

9 Debtor's counsel:

10 ☒ approved the form of this order ☐ disapproved the form of this order

11 ☐ waived the right to review the order and/or ☐ failed to respond to the document

12 ☐ appeared at the hearing, waived the right to review the order

13 ☐ matter unopposed, did not appear at the hearing, waived the right to review the order

14 Trustee:

15 ☒ approved the form of this order ☐ disapproved the form of this order

16 ☐ waived the right to review the order and/or ☐ failed to respond to the document

17
18
19 ☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the
20 motion pursuant to LR 9014(g), and that no party has objected to the form or content of the
21 order.

22 I declare under penalty and perjury that the foregoing is true and correct.

23 Submitted by:

24 /s/ Gregory L. Wilde, Esq.

25 Gregory L. Wilde, Esq.

26 Attorney for Secured Creditor